

Stakeholder comments received - Draft Wireless Telecommunication Facilities Ordinance Change

11/19/2010				
Stakeholder	Relevant Section of Draft Ord	Draft Language/Suggested Revisions	Comment	Response
Community Planning Groups				
Bonsall (Margarette Morgan)			(Called 11/4/10- she will send comments)	No comments received.
Jamul-Dulzura				No comments received.
San Dieguito (Don Willis)	general comment		Opposes all proposed changes:	
	general comment		Existing ordinance requirements are necessary to preserve the visual integrity of communities.	Revisions made to application process based on comments received
	6985 APPLICATION PROCESSING		Removal of Major Use Permit process or Planning Group review undermines the reason the ordinance is necessary.	MUP's are not being deleted
	6985 APPLICATION PROCESSING		Scrutiny by community groups for Tier 2, 3, & 4 applications is critical for appropriate placement and composition of these sites. Eliminating all but the minor use applicants from this process removes the public notification process and ability to address concerns	Maintained Community Group review with exception of certain by-right facilities.
	general comment		The Master Plan proposal should be encouraged, not eliminated	Master Plans not being deleted
Valle de Oro (Jack Phillips)	general comment		On the whole (the draft ordinance) appears to be a significant capitulation to the industry, designed to undo all of the ordinance's protections for our communities.	
	6985 APPLICATION PROCESSING		Eliminates any direct appeal access to the County Board of Supervisors.	MUP's are not being deleted
	6985 APPLICATION PROCESSING		Eliminates community-protective findings that are inherent in Use Permits.	Findings still required for discretionary permits
	6985.c.4		Eliminates practically all development requirements for facilities on water district properties.	Discretionary permits are still required.
	6985.a.1.c). i 6985.a.1.c). ii		Provides special treatment for DAS projects Ignores different levels of visual impacts based on location. A 6 cu. ft. enclosure mounted on a pole in the front yard of a residential area would create a direct visual impact. With site plan review, there would be no appeal to Board of Supervisors.	DAS definitions removed Discretionary permits are still required which include review by the appropriate CPG or DRB
	6985.c.4		Eliminates controls over locating projects on right-of-way sites in residential areas	Certain facilities in the ROW could provid needed coverage in residential areas. Separate DAS definition removed.
	6985 APPLICATION PROCESSING		May eliminate use-permit processing and requirements for findings on all projects currently being processed	MUP's are not being deleted
Water Districts				
Helix WD (Mark Weston)	general comment		The amendments to the Ordinance will greatly improve the process for approving wireless communication facilities while providing, where possible, authority and flexibility to the Water Agencies.	
	6985. c.4		Water Agencies require the authority to approve the placement of facilities in the most appropriate area of the property while allowing for operational flexibility.	Water Agency input is encouraged during the discretionary permit review process
	general comment		The streamlining of the Ordinance will also allow for contact and coordination between the County and the Water Agencies earlier than is currently experienced.	
	6985.b.4. b)		Allow the amount of time for temporary relocation to be coordinated to the length of time anticipated for the work needed at the Water Agency site based on a letter to be submitted by the Water Agency to DPLU explaining the work and required time for temporary relocation. Temporary relocation based on a submitted letter, and a waiver by DPLU Director be available on a case by case basis regarding the three year limitation.	Added a provision for the Director to approve longer relocations on a case-by-case basis for longer than 6 months.
	6984.f		Allow the landscaping requirement on the Water Agency sites to be determined by the Water Agency. The Water Agency has the details as to whether a site has the capability of supporting landscaping efforts.	This can be part of the discretionary review for a facility proposed on a Water District site
Lakeside WD (Jeanne Swarington)			(No comments received)	
Padre Dam MWD (Douglas Wilson/ Mary Lundquist)			Padre Dam supports the changes to the Ordinance in the review draft and looks forward to supporting the adoption of the Ordinance by the County when the final draft is released for full public review.  Regarding the final draft, Padre Dam would recommend that two areas of the review draft of the ordinance be amended for the final draft for public review:	
	6985 APPLICATION PROCESSING, b. Exceptions, 4. Temporary Relocation of Existing Facilities:		1) Allow the amount of time for temporary relocation to be coordinated to the length of time anticipated for the work needed at the water agency location based on a letter to be submitted by the water agency to the DPLU explaining the work and the required time for temporary relocation. The current six month limitation (especially if only provided every three years) is not sufficient for water agency sites. There are instances where the entire site is being reconstructed which could take up to two years in some cases. Padre Dam suggests that the temporary relocation for water agencies be based on the submitted letter, and that a waiver by the Director be available on a case by case basis regarding the three year limitation.	Added a provision for the Director to approve longer relocations on a case-by-case basis for longer than 6 months.
	6984 APPLICATION REQUIREMENTS, f. Landscape Requirements		2) Allow the landscaping requirement on water agency sites to be left up to the water agency. The water agency has the details as to wheter a site has the capability of supporting landscaping efforts.	This can be part of the discretionary review for a facility proposed on a Water District site
Sweetwater			Currently the County requires landscaping be installed around a site. Some sites do not have water available, new meters are very expensive. Will this be addressed?	This can be part of the discretionary review for a facility proposed on a Water District site
Valley Center MWD (Terri May)	6984 APPLICATION REQUIREMENTS	d. Maintenance. Describe the anticipated maintenance (manned and unmanned) for the antennas, equipment and landscaping. <u>If landscaping is anticipated, identify the water source to be used and disclose the length of time water will be used for new landscaping.</u>	suggested changes	This can be part of the discretionary review for a facility proposed on a Water District site
	6984 APPLICATION REQUIREMENTS	f. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and irrigation. If a water district will provide the water, a Service Availability Letter is required from the appropriate water district. <u>The applicant must provide approval from property owner for use of water.</u>	suggested changes	change not made
	6985 APPLICATION PROCESSING, b. Exceptions	4. Temporary Relocation of Existing Facilities: The Director may authorize the temporary relocation of an existing permitted Wireless Telecommunication Facility upon the request of the applicant. <u>Written authorization from the property owner must be obtained from the applicant and submitted with temporary relocation request.</u> Temporary relocation may be allowed due to scheduled maintenance of water district facilities or other structures on which an approved Wireless Telecommunication Facility is mounted. The following requirements apply to temporary relocations:	suggested changes	change made
	b. Exceptions, 4. Temporary Relocation of Existing Facilities:	d) The Director will issue a Letter of Authorization to temporarily relocate the wireless facilities to the wireless provider, and a copy will be placed in the permit file. <u>A copy of the Letter of Authorization must be sent by the County of San Diego Department of Planning and Land Use to the affected water district or property owner.</u>	suggested changes	change made to provide copy of letter of authorization to the property owner.

	c.1. General Siting Regulations	Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential, A70, A72 and S92 zones. However, a non-camouflaged monopole is allowed in these zones: if the property is a Water District Utility Site, improved with an above ground water tank; <del>the Director</del> <u>the affected water district owner</u> determines that it is preferable to avoid mounting antennas directly on a tank; and the proposed pole is located close to the existing tank or other vertical elements so that the monopole visually blends into the surrounding area.	suggested changes	<i>change made</i>
	6987 DESIGN REGULATIONS	o. The use of chain link fences for security of equipment is allowed if the fence is fully screened by landscaping. No razor wire or barbed wire is allowed. Slats do not satisfy the requirement for screening. <u>Block walls should be constructed with slump stone; however, if concrete block material is used, it must be painted using a color to blend with the primary background.</u>	suggested changes	<i>This can be part of the discretionary review for a facility proposed on a Water District site</i>
	6989 ABANDONMENT OR DISCONTINUATION OF USE	a. A service provider who intends to abandon or discontinue the use of a wireless telecommunications facility shall notify the County <u>and if applicable, the affected water district owner</u> of such intentions no less than 60 days prior to the final day of use.	suggested changes	<i>change made to state "property owner"</i>
	6989 ABANDONMENT OR DISCONTINUATION OF USE	d. The County reserves the right to remove an abandoned wireless facility at the expense of the service provider. <u>If the abandoned wireless facility is located on property owned by a water district, it is at the water district's discretion if the abandoned wireless facility will be removed at the expense of the service provider.</u>	suggested changes	<i>County reserves the right to remove a facility, this does not preclude the Water Agency from removing the abandoned facility.</i>
Yuima MWD (Lori Johnson)		Look at Section (c)(8).		<i>Incomplete comment</i>
Yuima MWD (Linden Burzell)	general comment		Yuima is pleased to support passage of the Amendment in its current form. Based on our review of the Final Draft, we believe that the changes to the ordinance will greatly improve the process for approving wireless communication facilities while providing, where possible, authority and flexibility to the water agencies.	
<b>Wireless Industry</b>				
AT&T (Ted Marioncelli, PlanCom)	general comment		No comments or concerns regarding the proposed revisions	
Core Development Services (Alexander Lew)	general comment		It was conveyed to DAS infrastructure providers that one of the purposes was removing the requirement for Planning approval for DAS systems, requiring only DPW review	<i>County may regulate "time, place and manner" in the public ROW</i>
	general comment		DAS systems are in the public rights-of-way are regulated by the state as a public utility and have legal and statutory authority to install their facilities within <u>public rights-of-way</u> .	<i>County may regulate "time, place and manner" in the public ROW</i>
	6982 - "...minimize intrusion of these uses into residential areas."		General comment: Increasingly wireless carriers are finding that residential areas are being under-served by existing coverage networks. As more residents give up their land-lines in favor of going wireless there will be (and in fact already is) an increased demand for wireless coverage within residential areas. It is recommended that this ordinance not be too restrictive in "minimizing the intrusion of these uses into residential areas".	<i>Change made to Section 6984.c.4 and 6986.a.2.a) to remove prohibitions to placement of facilities in the public right-of-way in residential areas</i>
	6983 DEFINITIONS - Community Character	Community Character: Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures <u>or elements</u> that define a community's identity.	suggested change	<i>change made</i>
	6983 DEFINITIONS - DAS Master Plan	Distributed Antenna System (DAS) Master Plan: A plan of specific sites and designs for a Distributed Antenna System within a defined geographic area for one <u>or more</u> wireless <u>or telecommunications</u> service providers.	DAS systems are not limited to a single service provider. The purpose of a DAS system is to utilize the same nodes, the same transport medium and sometimes the same hub site to accommodate multiple service providers to avoid having to install multiple traditional wireless sites (monopole, monopine, etc.) and they accommodate multiple co-locations on said sites.	<i>Definition deleted</i>
			In addition, DAS providers are not wireless service providers, but telecommunications providers as was reiterated in the recent CPUC decision, 10-10-007 on October 14, 2010.	<i>County may regulate "time, place and manner" in the public ROW</i>
	6983 DEFINITIONS - Facility Height	Facility Height: The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed support structure or antenna, whichever is greater.	It is recommended that foliage on a faux tree design NOT be included in what is considered the "support structure". Since foliage is for aesthetic purposes, this will minimize "flat-top" monopines and will allow for fuller, more natural-looking faux trees.	<i>Height of facility is always measured to the highest point of support structure or antenna.</i>
	6983 DEFINITIONS - High Visibility Facility	High Visibility Facility: A monopole, lattice tower or guyed tower; non-camouflaged facility; or any wireless facility <u>that is not part of a DAS Master Plan</u> or does not meet the definition of an invisible or low visibility facility.	suggested change	<i>We cannot show favoritism for one technology over another.</i>
	6983 DEFINITIONS - Low Visibility (suggested adding subsection f)	<u>f. A node of a distributed antenna system master plan when installed on a new or existing utility pole or light standard within the public right of way.</u>	As written, items a-e will not allow any DAS node to qualify as a "low visibility facility". Items a and b should either be amended to include typical DAS system installations or a new item f should be added that explicitly calls out DAS nodes.	<i>Separate DAS definitions and regulations removed</i>
	6983 Definitions - Monopole	Monopole: A wireless communication facility ( <u>not including a node of a distributed antenna system when installed on a new or existing utility pole or light standard within the public right of way</u> ) consisting of a single <u>uncamouflaged</u> pole constructed without guy wires and ground anchors	This definition needs to clearly state that a DAS node is NOT classified as a monopole. As currently written staff can interpret the code to classify each DAS node as a separate monopole.	<i>An antenna mounted on a pole would still be a monopole, separate DAS definitions were removed</i>
	6983 Definitions - Service Provider	Service Provider: The private sector entity that provides wireless telecommunication <u>or telecommunications</u> services to the general public or that owns or operates a wireless telecommunications facility <u>or telecommunications facility</u> .	In general this definition does not cover DAS from a regulatory perspective. DAS providers do not provide wireless telecommunication services directly; <b>they provide an infrastructure network and sells capacity to wireless service providers.</b> If it is the County's decision to require DAS providers to follow these processes, then the suggested edits should be incorporated and ALL telecommunications providers (wireless or traditional wireline [e.g. Verizon Telephone or Cox Communications]) should be treated the same under this ordinance.	<i>Definition of Service Provider revised to include an entity that provides support facilities to improve or enhance wireless service. Definition of Wireless Telecommunications Facility revised</i>
	6984.a Application Requirements	Geographic Service Area. Identify the geographic area that the proposed wireless facility would serve and show all existing wireless telecommunication facility sites in the local service network of the provider.	Removal of Major Use Permit process or Planning Group review undermines the reason the ordinance is necessary	<i>MUP's are not being deleted</i>
	6984.b Application Requirements- Visual Simulations	"Photo simulations shall be prepared showing the proposed facility as viewed from public vantage points such as <u>major roadways</u> ."	Please clarify if this is to be a single view or a minimum of two views, etc.	<i>Change made</i>
	6984.c	Height. Exceptions to the height limitations may be approved pursuant to <del>Section 4620 g as part of a Major Use Permit application. For facilities not subject to a Major Use Permit, exceptions to the height limitations shall be subject to approval of a Minor Use Permit, as required by Section 4622 j</del> of this ordinance <u>as part of a Minor Use Permit.</u>	The amended Section 6985 introductory paragraph only mentions that "a wireless facility that would exceed the maximum height limit allowed by the applicable zone shall process a Minor Use Permit..."  In cases of distributed antenna systems, if processed as a Site Plan, exceeding the height limitation should be allowed as part of the Site Plan process and not requiring a Minor Use Permit when height is required for proper signal propagation and/or when an existing utility pole or light must be extended due to GO-95 and/or power company regulations.	<i>Site Plan process does not allow exceptions to development standards such as height limitations, setbacks, etc. It is only for review of design criteria.</i>
	6984.i	Co-Location. Add a note on the plans which clearly states the applicant's willingness to allow other carriers to co-locate on the applicant's facility wherever technically and economically feasible and aesthetically desirable.	This will not be applicable to DAS providers as their infrastructure typically accommodates two or more wireless service providers.	

6985 APPLICATION PROCESSING	Applications for wireless facilities that meet the maximum height limit allowed by the applicable height designator of the zone will be processed based on the criteria described below. However, pursuant to Section 4622.j, of this Ordinance, a wireless facility that would exceed the maximum height limit allowed by the applicable zone shall process a Minor Use Permit in accordance with Section 7350 et seq. of this Ordinance.	In cases of distributed antenna systems, if processed as a Site Plan, exceeding the height limitation should be allowed as part of the Site Plan process and not requiring a Minor Use Permit when height is required for proper signal propagation and/or when an existing utility pole or light must be extended due to GO-95 and/or power company regulations.	<i>Site Plan process does not allow exceptions to development standards such as height limitations, setbacks, etc. It is only for review of design criteria. ZO Section 4622 requires Minor Use Permit for Wireless Facilities to exceed the height limit.</i>
6985.a.1(c)(i)	i. Distributed Antenna System (DAS) Master Plan	See General Comment at the beginning of the document.	<i>DAS Master Plan removed</i>
6985.a.1.(c)(iii)	iii. Antenna located on a high voltage transmission tower if the antenna increases the bulk and scale of the structure by less than	Define the objective method of measuring bulk and scale. Antenna installations on a high voltage transmission tower are governed by SDG&E design standards and General Order 95 of the state PUC, which may require antennas be installed on antenna arms to maintain a separation from the tower itself.	<i>Bulk and scale reference removed</i>
6985.b Exceptions	In addition to all other requirements in Sections 6980 through 6991, a facility that would be located on a structure <del>currently</del> <u>previously</u> subject to a Major or Minor Use Permit shall obtain a modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility would be invisible.	suggested change	<i>Use Permits are ongoing so "currently" is appropriate language.</i>
6985. c. General Siting Regulations		Utilizing existing infrastructure or installation on existing structures within the public rights-of-way should be listed <u>as a preferred siting location.</u>	<i>See 6986.a.2.(a)</i>
6985.c.1	Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential, A70, A72 and S92 zones <u>except nodes of a distributed antenna system master plan</u> . However, a non-camouflaged monopole is allowed in these zones: if the property is a Water District Utility Site, improved with an above ground water tank; the Director determines that it is preferable to avoid mounting antennas directly on a tank; and the proposed pole is located close to the existing tank or other vertical elements so that the monopole visually blends into the surrounding area.	This exception needs to be added to be consistent with the allowance/processing of a DAS master plan as a Site Plan, otherwise DAS networks cannot be installed where they are intended.	<i>We cannot show favoritism for one technology over another, however, see section 6985.a.2.(b).ii</i>
6985.c.4	A Wireless Telecommunication Facility support structure located on a parcel that is adjacent to a parcel with a residential use shall be set back from the common lot line by a distance equal to the total height of the support structure or 50 feet, whichever is greater. This requirement is not applicable <u>to nodes of a distributed antenna system master plan or facilities placed on Water District Utility Sites.</u> The Director may grant a waiver of this requirement if the owners of the adjacent residential properties, with a common property line within 50 feet of the proposed facility, provide a statement in writing indicating that they do not object to a lesser setback. However, a waiver shall not allow placement of any antennas, support structures, equipment or equipment enclosures within a required front, rear or side yard setback.	DAS nodes are typically located within the public rights-of-way. Requiring a 50 foot setback from the common lot line would effectively prevent placement of DAS nodes within the public right-of-way where they have regulatory operating authority.	<i>Change made to Section 6984.c.4 and 6986.a.2.a) to remove prohibitions to placement of facilities in the public right-of-way in residential areas</i>
6985.c.5	No support structure, or equipment enclosure shall be located in a front, rear or side yard setback in any zone, and no portion of any antenna array shall extend <u>beyond the property lines.</u>	There will be some rare cases where antennas installed on an existing utility pole where antenna cross arms are required per General Order 95 rules that antennas may extend beyond property lines.	<i>If a portion of an antenna or part of a facility would cross from the right-of-way to a private property, this would be reviewed as part of the permit application</i>
6985.c.8	<del>All wireless facilities located on a utility pole shall be promptly removed at the service provider's expense- the utility is scheduled to be undergrounded.</del>	This item needs to be struck as wireless service by virtue of being wireless must be above-ground. You cannot provide service one day, only to remove it at some point in the future. This would be akin to removing all the street lights and traffic signals when utilities are undergrounded on that street. Wireless facilities are part of a neighborhood's infrastructure and unlike over-the-wire services like electricity, cable, and land-line telephones, there is no underground alternative for <u>wireless service.</u>	<i>A service provider could process a permit to install a replacement facility prior to removal of a utility pole.</i>
6985.c.10	Equipment enclosures and antenna structures shall be secured <u>to the extent feasible</u> to discourage unauthorized access.	suggested change	<i>"Discourage" is appropriate language rather than "prohibit"</i>
proposed additional language 6985.c.13	<u>All distributed antenna system nodes located on utility poles or street lights shall comply with the design requirements of the utility pole or street light owner, and any requirements of the California Public Utilities Commission.</u>	suggested change	<i>Limited Visibility Facilities definition added and changes made to 6984.c.4</i>
6986.a.2(a) Preferred sites	Existing structures, including but not limited to structures on a Water District Utility Site, utility towers and poles, <u>light standards within the right of way and roadway overpasses.</u>	suggested change	<i>Street light poles were added, however traffic lights were deleted.</i>
proposed additional language 6986.a.2(g) Preferred Sites	Preferred locations are as follows: <u>(g) Node locations, as part of a distributed antenna system master plan.</u>	suggested change	<i>DAS Master Plan removed</i>
6987.b Design Regulations	To the maximum extent practicable <u>and allowed by State Public Utilities Commission regulations,</u> a wireless facility shall be designed to minimize its visual impact <u>and to blend into the surrounding area.</u>	suggested change	<i>Change not made. If a state law supercedes a County Ordinance, we do not need to specify in ZO</i>
6987.d	If the proposed facility site would be visible from a Scenic Highway, as identified in the General Plan, <u>and is not a node of a distributed antenna system master plan,</u> the facility shall be designed and located to avoid adverse visual impacts. The proposed facility shall incorporate design methods such as type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are allowed at these locations <u>except as a node of a distributed antenna system master plan.</u>	The nature of DAS is to be placed within the public rights-of-way. The current draft language would effectively prohibit DAS along or within view of a Scenic Highway. Currently, a DAS provider undergoes a rigorous PEA process at the state level to determine the environmental impact on scenic highways. As the California Public Utilities grants the authority to DAS providers for infrastructure placements, their determination on scenic highway installations should supersede the local jurisdictional requirements.	<i>Facilities visible from a Scenic Highway will be reviewed, however a change was made to allow camouflaged monopoles if there is no adverse visual effect.</i>
6987.e	Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face.	Clarification needs to be provided here. What is being requested here is to effectively make a façade-mounted antenna an invisible facility, however façade-mounted antennas are discussed in the low-visibility category. The nature of being façade-mounted is just that, mounted to the façade of a building. If they are located within an existing or newly-created architectural feature, they are no longer mounted to the façade of anything. Furthermore, if they are within a newly created architectural feature, is the new feature not to extend more than 24 inches out from the building face?	<i>Revisions made to application process based on comments received</i>
6987.h	No high visibility facility, including ancillary support equipment, may be located between the face of a building <u>and a public street, bikeway, trail or park.</u>	As long as nodes of a DAS master plan are NOT considered high-visibility facilities, this should not be an issue.	<i>See new definition of Limited Visibility Facility</i>
6987.j	A high visibility facility shall be located to cause the least detriment to the viewshed of adjoining properties.	See comment above.	
6987.k.	A roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back from the edge of the building as far as possible or otherwise screened to minimize its visibility.	Please understand that these are two inherently contradictory goals. The further back from the edge of the building antennas are placed the higher the antennas must be placed in order to eliminate "shadowing" where the top of the roof absorbs the signal from the antennas therefore creating a signal "shadow" beyond the edge of the building. Therefore the absolute minimum height possible would be at the edge of the building.	<i>This can be part of the discretionary review for a facility which can establish the appropriate placement and minimum height of an antenna to achieve needed coverage</i>
6987.l	No net loss in required parking spaces shall occur as a result of the installation of any wireless telecommunications facility <u>unless a site is over-parked.</u>	suggested change	<i>If a site is "overparked" then they would not have a loss in "required" spaces. Suggested change is not necessary</i>
6987.n	If the wireless facility site would be visible from a County park or is proposed to be located in a County park, the facility shall be designed and located to avoid adverse visual impacts. The wireless facility shall incorporate design methods, such as type of facility, camouflaging, screening and landscaping. No <u>uncamouflaged</u> monopoles, lattice towers or guyed towers are allowed in a County park.	suggested change	<i>change made</i>

	6987.p	Site lighting shall be kept to a minimum, shall be shielded to direct the light downward, shall be controlled by a manual switch or timed switch of no greater than one hour's duration and shall not be used <del>except when nighttime maintenance is necessary.</del>	What of motion-activated security lighting if located in an area where public safety is a concern?	<i>This can be part of the discretionary review for a proposed facility, if needed it can be required as a condition on a specific facility</i>
	6988.c Mainenance	If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.	Provide clarification if flags must be flown 24-7 (requiring night lighting per flag protocols) or must be taken down at night (per flag protocols).	<i>Change made to Section 6986.p to allow lighting of flags pursuant to County Code.</i>
ExteNet (Patti Ringo)	general comment		Many months ago it was conveyed to ExteNet that one of the purposes of the ordinance revision was to take the processing of Distributed Antenna System ("DAS") networks out of the Department of Planning and Land Use ("DPLU") and place it in its proper place for review – the Department of Public Works ("DPW"). This draft does not at all reflect that action and, in fact, appears to complicate the permitting of DAS networks even further.	<i>See new definition of Limited Visibility Facilities and revisions to 6985.a (Permit Processing). Facilities proposed in the public right-of-way will be reviewed by DPW.</i>
	6985.a.1.c)		The draft references DAS several times without giving any real direction on how it is to be reviewed or approved. There is no clear path on utility pole/streetlight installations that can be easily followed. Instead, it appears to leave the approval process open to interpretation by individuals processing applications.	<i>DAS definitions and provision removed from 2nd draft</i>
	general comment		In addition, the draft has assumed to incorporate all telecommunications carriers into the category of "wireless". This assumption is incorrect and needs to be clearly delineated.	<i>Definitions modified to include antennas and equipment, regardless of technology.</i>
	general comment		ExteNet, like all DAS providers, holds a Certificate of Public Convenience and Necessity ("CPCN") as a telecommunications carrier, issued by the California Public Utilities Commission. This CPCN gives ExteNet the same rights as AT&T, Verizon and other providers to install its telecommunications facilities in the public rights-of-way throughout California.	<i>County may regulate "time, place and manner" in the public ROW</i>
	general comment		ExteNet's, AT&T's, and Verizon's rights to install their facilities in the public rights-of-way are subject only to the limited right of jurisdictions such as the County of San Diego to regulate the time, place and manner of the installation of these facilities (California Public Utilities Code, Section 7901). Furthermore, any such regulation must be applied to all entities in an equivalent manner (California Public Utilities Code, section 7901.1). Thus, if the County of San Diego does not require AT&T to file applications for full planning reviews before it deploys its telecommunications facilities in the public rights-of-way, it cannot require ExteNet to do so.	<i>County may regulate "time, place and manner" in the public ROW. GO 170 was stayed in May, 2011</i>
	general comment		The County of San Diego's proposed ordinance revisions also seem to run afoul of the requirements and prohibitions of the Federal Telecommunications Act of 1996 in regards to DAS networks. In enacting the Telecommunications Act of 1996, Congress gave due consideration to the potential conflict between state and local government regulation of the public rights-of-way, and the national need for deployment of necessary advanced telecommunications infrastructure and information technologies. Accordingly, 47 U.S.C. § 253 prohibits local entities from erecting barriers that prohibit or have the effect of prohibiting the ability of any entity to provide telecommunications services. Section 253 limits local authorities' power to the management of carriers' use of public rights-of-way on a competitively neutral and non-discriminatory basis, such as through the imposition of time, place and manner restrictions like excavation and encroachment permits.	<i>County may regulate "time, place and manner" in the public ROW. GO 170 was stayed in May, 2011. See new definition of Limited Visibility Facilities and revisions to 6985.a (Permit Processing).</i>
	general comment		ExteNet respectfully urges the County of San Diego's Department of Land Use to rethink its position on DAS networks in the proposed ordinance revision, which will force ExteNet and other DAS providers to go through lengthy and expensive planning review processes and, instead, move the permitting of these networks to the DPW where it may grant ministerial excavation and encroachment permits for all DAS networks.	<i>County may regulate "time, place and manner" in the public ROW however, GO 170 was stayed in May, 2011</i>
Mobilitie (Scott Sutherland)	general comment		Mobilitie, LLC is private tower company that works with all carriers to facilitate their growth by funding, building and operating wireless infrastructure.	
	Introductory paragraph of draft ordinance	The Board of Supervisors finds and determines that provisions in the Zoning Ordinance related to wireless telecommunications facilities should be amended to streamline the permitting process and to revise and clarify existing regulations...	How is this occurring?	<i>Comment unclear</i>
	6983 Definitions -	Camouflaged Facility: A telecommunications facility that is designed to blend into the surrounding environment. Examples of a camouflaged facility include a roof-mounted antenna that is architecturally screened, a building-mounted antenna painted to match the existing structure, an antenna integrated into architectural elements, a support structure made to look like a tree, a windmill or a water tank, and an antenna structure designed to look like a light pole.	suggested change	<i>Change made</i>
	6983 Definitions -	Facility Height: The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed support structure or antenna, <u>excluding the material used to camouflage the antennas</u> , whichever is greater.	suggested change	<i>Change not made, overall height will include the camouflage materials</i>
	6983 Definitions - Low Visibility Facility	Low Visibility Facility: The following facilities if they do not exceed the height schedule in Sections 4610 - 4620 of this Ordinance:  a. A whip antenna that meets all of the following criteria:  1. a maximum of <del>six</del> <u>nine</u> feet in length or height, <del>including mounting</del> a. 5. an equipment enclosure that:	suggested change	<i>Change not made</i>
	6983 Definitions - Low Visibility Facility a.	a) is screened from view by means other than new walls or fences,  b) has a maximum volume of 50 cubic feet, and  c) and no dimension greater than six feet.  Equipment enclosures in underground vaults are not subject to the volume and dimension criteria.	This should be separated from the antenna requirements.	<i>This includes the requirements for the facility, not just the antenna.</i>
	6983 Definitions - Low Visibility Facility b.	b. A panel-shaped antenna that meets all of the following criteria:  1. flush-mounted to an existing building façade or other existing structure on at least one edge,  2. extends a maximum of 24 inches from the building façade or other structure at any edge, <u>if un-screened</u> ,  3. does not exceed the height of the building or other structure by more than <del>five feet</del> <u>the height required for optimal RF transmission and reception</u> ,  4. is designed to blend with the color and texture of the existing building or structure, and  5. no equipment enclosure is visible.	Equipment enclosures should be separated from the antenna requirements.	<i>Changes not made. This includes the requirements for the whole facility, not just the antenna. #3 would be too broad</i>

	6983 Definitions - Low Visibility Facility d.	<p>d. An addition to an existing permitted low-visibility facility if the addition itself meets the definition of low visibility and meets all of the following criteria:</p> <p>1. is designed to minimize visibility of both the facility and equipment enclosures,</p> <p>2. has a maximum total volume of <del>50</del> <u>100</u> cubic feet,</p> <p>3. has no single dimension greater than six <del>ten</del> feet,</p> <p><del>4. is screened from view by means other than new walls or fences. The volume and dimension criteria do not apply if the equipment enclosure is inside a structure consistent with the architecture and character of the site.</del></p>	suggested changes	<i>Suggested changes would not meet low visibility. Doubling the volume of the equipment enclosure is too great a change</i>
	6983 Definitions - Whip Antenna	Whip Antenna: An antenna that transmits signals in 360 degrees. A whip antennas is typically cylindrical in shape and is less than three inches in diameter and measures up to six <del>nine</del> feet in length, including the mounting. Also called an omni-directional, stick or pipe antenna.	suggested change	
	6984 APPLICATION REQUIREMENTS	Height. For a facility designed to exceed the height limitation allowed under the existing height designator of the zone, the applicant shall submit a map showing the signal coverage at the height limitation and a map showing the signal coverage at the proposed height. Exceptions to the height limitations may be approved pursuant to Section 4620 g as part of a Major Use Permit application. For facilities not subject to a Major Use Permit, exceptions to the height limitations shall be subject to approval of a Minor Use Permit, as required by Section 4622 j of this ordinance.	Is there still a Major Use Permit and Minor Use Permit process, since they were struck from the tier system? This is unclear.	<i>ZO requires MUP or Minor Use Permit for height exceptions.</i>
	6985 APPLICATION PROCESSING	Although a permit type may be assigned at project intake, a re-evaluation and reassignment of the project may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Director.	What criteria is the re-evaluation based on?	<i>Height of facility, conformance to criteria, etc.</i>
	6985.a.1 SITE PLAN	<p>c) In any zone:</p> <p>i. Distributed Antenna System (DAS) Master Plan</p> <p>ii. Facility on a CALTRANS structure, "cobra-style" streetlight or pole in the public right of way, or an existing park and ride light standard, when it meets all the following:</p> <ul style="list-style-type: none"> <li>- The antenna does not project more than 24 inches above the structure,</li> <li>- No more than a total of two antennas are located on a site,</li> <li>- The equipment enclosure is no larger than <del>6-10</del> cubic feet, and</li> <li>- The equipment enclosure is concealed from public view through the use of undergrounding or screening by means other than walls or fences.</li> </ul> <p>iii. Antenna located on a high voltage transmission tower if the antenna increases the bulk and scale of the structure by less than five percent.</p>	suggested changes, What is the definition of a site? How is this calculated [bulk and scale in subsection iii]?	<i>Antenna height changed to "does not project more than five feet above the structure", other changes not made.</i>
	6985 a. 2. ADMINISTRATIVE PERMIT		What is the difference in the time-frame for review of an Administrative Permit vs. a Site Plan?	<i>Processing times vary based on individual permits. Admin Site Plan removed, provisions added for approval of certain facilities with a building permit.</i>
	6985 b. Exceptions	3. Temporary Emergency Facilities: In the event of a local emergency or natural disaster (e.g., wildland fire, earthquake, etc.), temporary emergency facilities may be permitted with a Building Permit. Temporary facilities may include cell on wheels (COW) or a removable utility pole. A Letter of Authorization verifying the damage to the existing facility or stating the need for a temporary emergency facility, from the Director of the Department of Planning and Land Use (Director), the State of California, or the Federal Government must be submitted with the application for the Building Permit. A temporary emergency wireless facility may be approved for up to six months. One six month extension of the permit may be granted by the Director. The temporary facility shall be removed upon replacement of the damaged facility or at the expiration of the temporary permit, whichever occurs first.	Is it possible to expedite the Building Permit approval process for emergency facilities?	<i>The Director has always created an expedite process for building permits related to local emergencies. It would not be necessary to add this to the ordinance.</i>
	6985 b. Exceptions	4. Temporary Relocation of Existing Facilities: The Director may authorize the temporary relocation of an existing permitted Wireless Telecommunication Facility upon the request of the applicant. Temporary relocation may be allowed due to scheduled maintenance of water district facilities or other structures on which an approved Wireless Telecommunication Facility is mounted. The following requirements apply to temporary relocations:  a) Temporary facilities include cell on wheels (COW) or removable utility pole;  b) Temporary relocation is limited to up to six months within a single three year time period.	What if this is out of the Service Provider's control?	<i>This question is unclear.</i>
	6985 c. General Siting Regulations	8. All wireless facilities located on a utility pole shall be promptly removed at the service provider's expense when the utility is scheduled to be undergrounded.	There must be sufficient time available to process an applications for a replacement Facility or Facilities.	
	6985 c. General Siting Regulations	11. As a condition of approval, prior to use of the wireless facility, the applicant shall submit evidence to the Department of Planning and Land Use to show to the Director's satisfaction that the facility as constructed conforms to the photo simulations provided pursuant to Section 6984 b of this Ordinance.	In what form?	<i>Photo simulations as stated</i>
	6987 DESIGN REGULATIONS	b. To the maximum extent practicable, a wireless facility shall be designed to minimize its visual impact and to blend into the surrounding area in a manner consistent with community character and existing development. The design may include screening, landscaping with native species, suitable placement, or other camouflage methods that are compatible with existing architectural elements, building materials and other site characteristics. The facility shall be appropriate for the specific site (i.e., it should not "stand out" from its surrounding environment, such as a faux tree standing alone in a field or being significantly taller <del>(five feet or more)</del> <u>(no taller than required to achieve optimal RF transmission and reception)</u> than other trees on the site).	suggested changes	<i>This change would be too broad. There needs to be a quantifiable limit.</i>

	6987 DESIGN REGULATIONS	c. No wireless facility shall be allowed on any building or structure or in any district that is listed or eligible for listing on any Federal, State or local historical register unless the Historic Site Board determines that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture and no high visibility facility is allowed on any such building or on any such site or in any such district, <u>unless otherwise approved as described above.</u>	suggested changes	<i>Change not made</i>
	6987 DESIGN REGULATIONS	e. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face, <u>if un-screened.</u>	suggested changes	<i>Change not made.</i>
	6987 DESIGN REGULATIONS	i. No signs, striping, graphics or other attention getting devices are allowed on the <u>transmission-tower-Support Structure</u> or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. The signage shall be affixed to a fence or ancillary facility and only <del>two</del> <u>three</u> signs are allowed for each wireless facility unless a greater number is required by law.	suggested changes	<i>change made</i>
	6991 AMORTIZATION OF HIGH VISIBILITY WIRELESS TELECOMMUNICATION FACILITIES	Notwithstanding any other sections regulating wireless facilities, all facilities defined as "high visibility" by these regulations and located in a Residential, Agricultural or S92 Zone shall be brought into conformance with these Wireless Telecommunications Facilities regulations by April 30, 2018.	The wireless telecommunications facility industry is designed for long-term performance.	<i>Comment unclear. This section only refers to high visibility facilities</i>
NextG (Joe Milone) [NextG is a DAS provider]	general comment		NextG Networks is a DAS provider. Next G is a Competitive Local Exchange Carrier (CLEC) in the State of California providing regulated telecommunications services under Certificate of Public Convenience and Necessity #U-6741-C.	<i>County may regulate "time, place and manner" in the public ROW</i>
	general comment		NextG is not a wireless service provider, nor do we provide wireless services to consumers. As a public utility, we have special rights to access the public rights of way to install our network facilities and provide <u>regulated services.</u>	<i>County may regulate "time, place and manner" in the public ROW</i>
	general comment		NextG's primary areas of concern related to a revised ordinance would be 1) Accurate and appropriate language specifically addressing DAS networks, taking into account not only the regulatory factors but the small equipment associated with DAS, and 2) Facilities in the public ROW and applying regulatins that are consistent with Public Utilities Code Section 7901 and recent case law related to a jurisdiction's regulation of facilities in the public ROW.	<i>County may regulate "time, place and manner" in the public ROW</i>
	6983 Definitions - Distributed Antenna System		Related to DAS Networks in the revised ordinance, the current draft provides a very limited definition of DAS and makes no further reference to these types of network solutions in the ordinance, specifically related to <u>an approval process.</u>	<i>Zoning and design criteria would determine the process. We cannot create preferential treatment of DAS over other types of technologies.</i>
	6986 PREFERRED SITES		On the public ROW issue, it is NextG's recommendation that the County not regulated based upon "preferred zones", specifically within the ROW. There are several pragmatic reasons for this. Wireless technology has become so accepted and used today that people expect and need their devices to work in their homes. This is not only a convenience issue but a safety issue. Many people only use cell phones for their telecommunications. Therefore it is important, for E911 services and response, that there be strong coverage and capacity in residential homes. Networks are at the point that facilities need to be in residential zones to meet this demand for services. The other reason is the public ROW is where all other utilities and services are located. Logic dictates that this is the appropriate location for wireless facilities as well (regardless of underlying zone). A small antenna and equipment box attached to an existing utility pole, streetlight or traffic light has been found by most jurisdictions to be not only visually acceptable, but the preferred location for these type of facilities.	<i>County may regulate "time, place and manner" in the public ROW. Changes made to Section 6984.c.4 and 6986.a.2.a) to remove prohibitions to placement of facilities in the public right-of-way in residential areas.</i>
	6983 Definition - Community Character	Community Character-- : Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity	In defining this term and then developing standards for the siting of wireless facilities, the County must apply analysis, determination and standards on an equal and non-discriminatory basis among all users of the public ROW. In other words, the County cannot hold a wireless facility to a higher standard than wireline or other utilities with facilities in the public ROW. An example, would the installation of a small whip antenna and equipment box, smaller than existing utility facilities be in contradiction to community character? The answer to this should be no and any finding required should be able to be made.	<i>County may regulate "time, place and manner" in the public ROW</i>
	6983 Definition - DAS	Distributed Antenna System (DAS): A network of spatially separated antenna sites (nodes) connected to a common source via a transport medium that provides wireless service within a geographic area.	DAS nodes are typically smaller than traditional cell sites and the technology requires less associated equipment to operate the site. Also, DAS nodes are found within the Public ROW and usually attached to existing utility and jurisdiction infrastructure (street and traffic light poles).	<i>DAS nodes could also be located on private property. County regulates other wireless facilities technologies in the right of way</i>
	6983 Definition - DAS Master Plan	Distributed Antenna System (DAS) Master Plan: A plan of specific sites and designs for a Distributed Antenna System within a defined geographic area for one wireless service provider	Unless the County is also going to develop an alternative process for DAS that does NOT require the initiation by a Planning Group. This defition should be deleted and the processing of DAS nodes addressed in the WTO.	<i>This definition was deleted</i>
	6983 Definition - Invisible Facility	Invisible Facility: A facility, including, but not limited to support structures, antennas and equipment enclosures and any other ancillary equipment, that cannot be seen from any street or from any adjacent property and that does not result in any apparent architectural changes or additions, including Community Identification Signs, when the antenna is fully integrated into the sign. A facility to which landscaping or grading is added as screening does not meet the definition of an invisible facility.	Could an omni-type antenna mounted to the top of an existing utility pole or streetlight and painted to match not be defined as an invisible facility?.	<i>It would be limited visibility or low visibility, not invisible.</i>
	6983 Definition -Low Visibility Facility	a. A whip antenna that meets all of the following criteria:  1. a maximum of six feet in length or height, including mounting,  2. a maximum of three inches in diameter,	Increase the diameter to a minimum of 10" and preferably 16". The reality is that new technologies and services will require these types of antennas. The days of single 3" whip antenna sites is going away. This is due to advanced services and technologies, know as 4G, LTE amd MIMO	<i>This would not be low visibility according to wireless permit staff</i>
	6983 Definition -Low Visibility Facility (suggested adding subsection a.5 (d))	3. located on an existing structure including, but not limited to, a water storage tank, high-voltage transmission tower, utility tower and pole, sign standard, and roadway overpass,  4. the addition, including any vertical mounting, does not increase the height of the structure by more than five feet, and  5. and an equipment enclosure that:  a) is screened from view by means other than new walls or fences,  b) has total a maximum volume of 50 cubic feet, and  c) and no dimension greater than six feet.  d) <u>pole mounted equipment painted to match the existing pole.</u>	Suggested change	<i>change made</i>



	6983 Definition -Low Visibility Facility	<p>b. A panel-shaped antenna that meets all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. flush-mounted to an existing building façade or other existing structure on at least one edge,</li> <li>2. extends a maximum of 24 inches from the building façade or other structure at any edge,</li> <li>3. does not exceed the height of the building or other structure by more than five feet,</li> <li>4. is designed to blend with the color and texture of the existing building or structure, and</li> <li>5. no equipment enclosure is visible.</li> </ol>	State safety standards, called GO 95 require minimum separation from the pole to allow for worker access, called pole climbing space. This definition needs to account for the limitations imposed by GO 95.	<i>A facility that exceeds the criteria would not be considered Low Visibility.</i>
	6983 Definition -Low Visibility Facility	c. A facility, including equipment enclosures, that is camouflaged from public view through the use of architectural treatments, such as cupolas, faux water towers, faux trees, windmills or other structures and which is consistent with existing development and community character.	Painted to match should qualify as a camouflaged facility.	<i>The definition of camouflaged includes painting or coating to match.</i>
	6983 Definition - Whip Antenna	Whip Antenna: An antenna that transmits signals in 360 degrees. A whip antennas is typically cylindrical in shape and is less than three inches in diameter and measures up to six feet in length, including the mounting. Also called an omni-directional, stick or pipe antenna.	See comments on definition section	
	6984 Application Requirements	In addition to meeting the standard application submittal requirements for a discretionary permits, all applicants for wireless telecommunications facilities shall provide all of the information listed below.	Add language which gives staff discretion to make the determination that some of these application requirements are not necessary or applicable to the site or facility.	<i>Staff can make that determination on a case-by-case basis via a special handling form.</i>
	6985 APPLICATION PROCESSING	Applications for wireless facilities that meet the maximum height limit allowed by the applicable height designator of the zone will be processed based on the criteria described below. However, pursuant to Section 4622.j, of this Ordinance, a wireless facility that would exceed the maximum height limit allowed by the applicable zone shall process a Minor Use Permit in accordance with Section 7350 et seq. of this Ordinance.	This section does not clearly show what the new processes are.	<i>Revisions made to clarify permit processing requirements, see new permit processing table in section 6985.</i>
	6985 APPLICATION PROCESSING	<p>1. SITE PLAN</p> <p>A facility that meets any of the following criteria shall be processed as a Site Plan.</p> <p>c) In any zone:</p> <ol style="list-style-type: none"> <li>i. Distributed Antenna System (DAS) Master-Plan-<u>nodes</u>.</li> <li>ii. Facility on a CALTRANS structure, "cobra-style" streetlight or pole in the public right of way, or an existing park and ride light standard, when it meets all the following: <ul style="list-style-type: none"> <li>- The antenna does not project more than 24 <u>36</u> inches above the structure,</li> <li>- No more than a total of two antennas are located on a site,</li> <li>- The equipment enclosure is no larger than 6 cubic feet, and</li> <li>- The equipment enclosure is concealed from public view through the use of undergrounding or screening by means other than walls or fences.</li> </ul> </li> <li>iii. Antenna located on a high voltage transmission tower if the antenna increases the bulk and scale of the structure by less than five percent.</li> </ol>	County should really consider changing its policy to allow co-location on street and traffic lights. In previous discussions with the County, understand the issue is liability. Liability can be completely shifted to the wireless carrier through proper insurance and bonding and agreement. This process should also be applied to attachment to utility poles within the public ROW. It makes common sense if you are going to allow it on a streetlight, that a utility pole is no different.	<i>This section was revised in 2nd draft, street light poles and utility poles may be allowed, traffic lights were removed per direction from DPW</i>
	6985.c. General Siting Regulations	1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential, A70, A72 and S92 zones. However, a non-camouflaged monopole is allowed in these zones: if the property is a Water District Utility Site, improved with an above ground water tank; the Director determines that it is preferable to avoid mounting antennas directly on a tank; and the proposed pole is located close to the existing tank or other vertical elements so that the monopole visually blends into the surrounding area.	Need to include Public ROW into this exemption.	<i>Change not made. See comment regarding 6985.c.4.</i>
	6985.c. General Siting Regulations	4. A Wireless Telecommunication Facility support structure located on a parcel that is adjacent to a parcel with a residential use shall be set back from the common lot line by a distance equal to the total height of the support structure or 50 feet, whichever is greater. This requirement is not applicable to facilities placed on Water District Utility Sites <u>or facilities in the public ROW.</u>	suggested change	<i>Change made to state that the setback requirement is not applicable to facilities located in the public right-of-way</i>
	6985.c. General Siting Regulations	5. No support structure, or equipment enclosure shall be located in a front, rear or side yard setback in any zone, and no portion of any antenna array shall extend beyond the property lines.	Does not apply to sites within the Public ROW	<i>Change not made, public right-of-way does not have setbacks</i>
	6985.c. General Siting Regulations	8. All wireless facilities located on a utility pole shall be promptly removed at the service provider's expense the utility is scheduled to be undergrounded.		<i>(Highlighted but no comment made)</i>
T-Mobile (Josh Davidson, Attorney- Davis Wright Tremaine, LLP)	6986 PREFERRED SITES	<p>a. The County has determined that certain zones and locations are preferable to others for siting wireless facilities due to aesthetics and land use compatibility.</p> <p>1. The preferred zones are as follows: All Commercial (except C31, C32 &amp; C46), Industrial and Manufacturing zones and property zoned S82, S86, S94, or S88 when the wireless facility would be located in an area designated for commercial or industrial uses in a Specific Plan.</p>	Think the County needs to move away from "preferred zones" and focus on aesthetics based on location. For example a low visibility antenna within the public ROW (in any zone) shall be processed as an administrative permit. All others shall be a site plan	<i>See section 6985.a.1 for revised permit processing, certain facilities may be allowed with a building permit</i>
	6986 PREFERRED SITES	<p>2. The preferred locations are as follows:</p> <p>a) Existing structures, including but not limited to structures on a Water District Utility Site, utility towers and poles, and roadway overpasses.</p> <p>b) Commercial and industrial buildings.</p> <p>c) County or other government facilities (e.g., fire district buildings, freeway "park and ride" lots).</p>	County really needs to consider making street lights and traffic safety lights available for wireless attachments.	<i>Street light poles were added, however traffic lights were deleted.</i>
	6987 DESIGN REGULATIONS	b. To the maximum extent practicable, a wireless facility shall be designed to minimize its visual impact and to blend into the surrounding area in a manner consistent with community character and existing development. The design may include screening, landscaping with native species, suitable placement, <u>painting to match</u> , or other camouflage methods that are compatible with existing architectural elements, building materials and other site characteristics. The facility shall be appropriate for the specific site (i.e., it should not "stand out" from its surrounding environment, such as a faux tree standing alone in a field or being significantly taller (five feet or more) than other trees on the site).	suggested change	<i>Camouflage definition includes painting to match</i>
			Proposed ordinance violates federal and state law as detailed below	<i>County may regulate "time, place and manner" in the public ROW.</i>
	6985.a.1. c).i.		The preference for DAS over other types of facilities violates federal law.	<i>DAS definitions removed.</i>
	6985.c		The proposed ordinance should not impose discriminatory setback requirements on wireless communications facilities	<i>Comment unclear</i>
	6986.a.1		The proposed ordinance impermissibly restricts the placement of wireless communications facilities in residential areas.	<i>It restricts but does not prohibit placement in residential areas.</i>
	6983 Definition - Invisible Facility		The proposed ordinance should eliminate the term "Invisible Facility"	<i>Comment unclear, why eliminate this term?</i>

	6991		The requirement that all facilities comply with the proposed ordinance by 2018 impermissibly impinges on permit holders' vested rights and otherwise constitutes an effective prohibition of service	<i>This section applies to facilities that were approved prior to the effective date of the ordinance (May 30, 2003).</i>
	6987		The proposed ordinance's design regulations generally impede the sensible placement of wireless communications facilities.	<i>Comment unclear. Only minor changes are proposed to the existing design regulations.</i>
	6987.b		Would ban monopine and monopalm stealth trees in many of the locations where they are most useful where no other stealthing technique would be effective	<i>This section does not prohibit faux trees</i>
	6987.l		Parking spaces are often required to site equipment, with no adverse effect on the owner or facility,	<i>Existing ZO does not allow removal of a required space unless equivalent replacement parking is provided on site or it can be demonstrated that there is adequate parking (per ZO section 6750) to accommodate the existing allowed uses, regardless of the proposed use that would remove the parking.</i>
	6987.h		Would prohibit "high visibility" facilities from being located between the face of a building and a public street, even in a commercial or industrial zone.	<i>Existing language, no changes proposed</i>
	6987.d		Ordinance states that "no monopoles, lattice towers or guyed towers are allowed" if visible from a scenic highway, event though this is where sites are needed to cover highway drivers	<i>Not every highway in the County is a designated scenic highway. Change made to allow camouflaged monopoles in these areas.</i>
	6987 DESIGN REGULATIONS		The proposed ordinance should leave room for collaboration and creativity which yields the best result for all stakeholders	<i>There is nothing in the ordinance that prevents collaboration or creativity.</i>
Technology Associates (James Kennedy)	6983 Definition - Monopole	Monopole: A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors <u>and which exceeds a height of 25 feet.</u>		<i>Most zones allow 35 ft height limit, height limit of the zone is simpler to regulate</i>
	6984 APPLICATION REQUIREMENTS c. Height		Please also note that the telecoms request height exceptions from via Municipal Code section 4620(g) from time to time. Please note that this section allows such exceptions explicitly and solely via the MUP process. Since much of the telecom changes will be to allow projects via Minor Use Permit, Municipal Code section 4620(g) should be amended to also include Minor Use Permits, or better, to say that height exceptions for telecommunications facilities can be allow via Major or Minor Use Permits.	<i>Minor Use Permit process is currently required for height exceptions for Wireless Telecommunication Facilities over 50 feet in height. A height exception may be granted with a Major Use Permit if the MUP is required for another reason, if the project is requesting a modification to an existing MUP or if the facility is proposed in a Residential or Rural zone.</i>
	6985 c. General Siting Regulations	2. No equipment enclosure accessory to a facility may not exceed 40 42 15 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.	(a full sized equipment shelter that has an integrated design with a pitched roof may not be able to meet 12 feet. This should be more flexible and allow the planning process to determine appropriate design)	<i>Current limitation is 10 feet. The height of a structure is measured to the midpoint of the sloping roof, not the top of the peak. There is still a provision to allow this to be exceeded if necessary.</i>
	6985 c. General Siting Regulations	4. A Wireless Telecommunication Facility support structure located on a parcel that is adjacent to a parcel with a residential use shall be set back from the common lot line by a distance equal to the total height of the support structure or 50 feet, whichever is greater. This requirement is not applicable to facilities placed on Water District Utility Sites. The Director may grant a waiver of this requirement if the owners of the adjacent residential properties, with a common property line within 50 feet of the proposed facility, provide a statement in writing indicating that they do not object to a lesser setback. However, a waiver shall not allow placement of any antennas, support structures, equipment or equipment enclosures within a required front, rear or side yard setback. <u>or if the Director determines that the effect of the 50' setback would deprive the wireless facility of an otherwise reasonable siting opportunity</u>	suggested change	<i>Changes made to this subsection.</i>
	6986 PREFERRED SITES	b. Each application shall identify the preferred zone and/or preferred location that <u>applies to</u> the proposed facility <del>meets</del> . If the proposed facility is not in a preferred zone identified in subsection a.1 above or if it is not in a preferred location identified in a.2 above, the applicant shall provide a map of the geographical area and a discussion of preferred sites that could potentially serve the same area as the proposed site and describe why each preferred site is not technologically or legally feasible.	suggested change	<i>change made</i>
	6986 PREFERRED SITES	c. A wireless facility that is proposed to be located at a site that is not in a preferred zone or not at a preferred location as described above shall not be approved if it is feasible to locate the wireless facility in a preferred zone or at a preferred location <u>while achieving a roughly equivalent coverage footprint</u> , (see subsection b above) unless a finding is made <u>by the Director</u> that the proposed site is preferable due to compatibility with aesthetics and community character.	suggested change	<i>change not made</i>
	6987 DESIGN REGULATIONS	b. To the maximum extent practicable, a wireless facility shall be designed to minimize its visual impact and to blend <u>with</u> the surrounding area in a manner consistent with community character and existing development. The <u>project</u> design may include screening, landscaping <del>with native species</del> , suitable placement <u>solutions</u> , and/or other <del>camouflage</del> methods that <del>are compatible with</del> <u>serve to integrate the proposed facility with</u> existing architectural elements, building materials and other site characteristics. The facility shall be appropriate for the specific site (i.e., it should not "stand out" from its surrounding environment, such as a faux tree standing alone in a field or being significantly taller (five feet or more) than other trees on the site).	suggested change	<i>some changes made</i>
	6987 DESIGN REGULATIONS	d. If the proposed facility site would be visible from a Scenic Highway, as identified in the General Plan, the facility shall be <u>subject to a more stringent level of review in order</u> <del>designed and located</del> to avoid adverse visual impacts. The proposed facility shall incorporate design methods such as type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are allowed at these locations.	suggested change	<i>Section was revised to allow camouflaged monopoles if there is no adverse visible impacts</i>
	6987 DESIGN REGULATIONS	l. No net loss in required parking spaces shall occur as a result of the installation of any wireless telecommunications facility, <u>unless it can be demonstrated that the project site has surplus parking under current Municipal Code parking standards.</u>	suggested change	<i>If a site is "overparked" or has a surplus of spaces, they would not have a loss in "required" spaces. Suggested change is not necessary</i>
	6987 DESIGN REGULATIONS	m. <u>Base station radio</u> . Equipment and equipment enclosures shall not impair pedestrian use of sidewalks or other pedestrian pathways, nor inhibit equestrian activities on designated public or private trails and shall be screened from the sidewalk by landscaping, undergrounding or other means.	suggested change	<i>Change made to state "Equipment and equipment enclosures shall not..." "Equipment" would include base station radios</i>
	6987 DESIGN REGULATIONS	n. If the wireless facility site would be visible from a County park or is proposed to be located in a County park, the facility shall be designed and located to avoid adverse visual impacts. The wireless facility shall incorporate design methods, such as type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are allowed in a County park.	(why would this last sentence be necessary to re-state?)	<i>Comment unclear</i>



	6987 DESIGN REGULATIONS	q. No wireless facility shall be located on a ridgeline or hilltop <del>unless the facility blends with the surrounding existing and man-made environment to the maximum extent possible and a finding is made that no other location is feasible- unless the Director finds that appropriate design features have been incorporated to adequately integrate the facility with the ridgeline or hilltop setting</del>	suggested change	<i>change not made</i>
Verizon (Darrell Daugherty, PlanCom)	6991 Ammortization		I have reviewed this on behalf of Verizon Wireless and have no major issues at this time with the exception of Section 6991 Amortization. We believe that this section inappropriately re-legislates the terms and conditions of a vested land use permit. It is hoped that County Counsel can review this section and cite relevant code or case authority for Verizon land use counsel to review.	<i>This section was revised to clarify that it applies to facilities approved prior to effective date of the ordinance (May 30, 2003)</i>